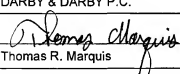


<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/667,129-Conf. #7169
	Filing Date	September 16, 2003
	First Named Inventor	Allen Fox
	Art Unit	3621
	Examiner Name	P. E. Elisca
	Attorney Docket Number	08226/1203097-US1
Total Number of Pages in This Submission		7

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input checked="" type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Electronic Acknowledgement Receipt from filing of 06/18/07 (2 pgs.) Deposit Account Summary (2 pgs.)
Remarks <span style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; vertical-align: middle;"></span>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Thomas R. Marquis		
Date	September 21, 2007	Reg. No.	46,900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Allen Fox et al.

Application No.: 10/667,129

Confirmation No.: 7169

Filed: September 16, 2003

Art Unit: 3621

For: ON-LINE SOFTWARE RENTAL

Examiner: P. E. Elisca

**REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The applicant in the above-identified patent application hereby requests a refund of fees paid with respect to this application.

On August 20, 2007, a Notice of Appeal, Pre-Appeal Brief Request for Review, Petition for a one-month extension of time and ancillary documents were filed with the U.S. Patent and Trademark Office via facsimile (the "Appeal"). The Appeal provided for the payment of excess fees totaling \$620.00 (\$500.00 for Appeal and \$120.00 for Petition for a one-month extension of time) to be charged to deposit account 04-0100. Charges equaling these amounts were appropriately assessed to the deposit account on August 22, 2007.

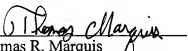
On August 29, 2007, an additional charge of \$330.00, was assessed to deposit account 04-0100 believed to be for an additional one-month extension. A copy of the deposit account summary is enclosed. The subject charge is the last entry. A review of the transaction history for the present application shows that all applicable fees were paid by required due dates according to MPEP 706.07(f).

Specifically, a final office action was mailed on April 16, 2007. The 2-month due date would have been June 16, 2007, but that date was a Saturday. Accordingly, Applicants' response was filed electronically on Monday, June 18, 2007. Please see the enclosed copy of the electronic acknowledgement. The subsequent advisory action indicates that Applicants' reply was filed on June 20, 2007. But this is not correct, as evidenced by the electronic acknowledgement. The advisory action shows that box 1.a) is marked. This is also not correct. The advisory action erroneously indicates that the period for reply expires 3 months from the mailing date of the final rejection (i.e. on Monday July 16, 2007). However, the advisory action was mailed on Thursday, July 19, 2007. According to MPEP 706.07(f), the period for reply expires on the mailing date of the advisory action. Consequently, a 1-month extension fee would be needed if a reply was filed by August 19, 2007. However, that date was a Sunday. Accordingly, Applicants filed a notice of appeal on Monday, August 20, 2007. Therefore, Applicants believe that a refund in the amount of \$330.00 is warranted.

Please credit the refund in the amount of \$330.00 to Deposit Account No. 04-0100 in the name of DARBY & DARBY P.C.

Dated: September 21, 2007

Respectfully submitted,

By   
Thomas R. Marquis  
Registration No.: 46,900  
DARBY & DARBY P.C.  
P.O. Box 770  
Church Street Station  
New York, New York 10008-0770  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant



# United States Patent and Trademark Office



## Deposit Account Statement

**Requested Statement Month:** August 2007  
**Deposit Account Number:** 040100  
**Name:** DARBY & DARBY P.C.  
**Attention:** ANGELINA STANTINI  
**Street Address 1:** 7 WORLD TRADE CENTER  
**Street Address 2:** 250 GREENWICH STREET  
**City:** NEW YORK  
**State:** NY  
**Zip:** 10007  
**Country:** UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/02	9	10573062		9204	-\$450.00	\$46,024.00
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08/07	47	10643457	08211/0200237-US0/P05501	1806	\$180.00	\$45,414.00
08/08	7487	0185630374	01105/100D165-US1	8014	\$25.00	\$45,389.00
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08/22 10	10667129	08226/1203097-US1	1251	\$120.00	\$42,834.
08/22 11	10667129	08226/1203097-US1	1401	\$500.00	\$42,334.
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	BALANCE	CHARGES		REPLENISH	BALANCE
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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1884341
<b>Application Number:</b>	10667129
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7169
<b>Title of Invention:</b>	On-line software rental
<b>First Named Inventor/Applicant Name:</b>	Allen Fox
<b>Customer Number:</b>	38880
<b>Filer:</b>	John W. Branch/Flor Neafus
<b>Filer Authorized By:</b>	John W. Branch
<b>Attorney Docket Number:</b>	08226/1203097-US1
<b>Receipt Date:</b>	18-JUN-2007
<b>Filing Date:</b>	16-SEP-2003
<b>Time Stamp:</b>	19:08:53
<b>Application Type:</b>	Utility

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	80117725.pdf	31527	no	1

Warnings:

<b>Information:</b>					
2		80117726.pdf	787312	yes	22
	<b>Multipart Description/PDF files In .zip description</b>				
	<b>Document Description</b>		<b>Start</b>	<b>End</b>	
	Amendment After Final		1	1	
	Claims		2	16	
	Applicant Arguments/Remarks Made in an Amendment		17	22	
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			818839		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u><b>New Applications Under 35 U.S.C. 111</b></u>          If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u><b>National Stage of an International Application under 35 U.S.C. 371</b></u>          If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u><b>New International Application Filed with the USPTO as a Receiving Office</b></u>          If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					